

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Wisconsin Central Ltd. for the Alteration of a Public Crossing of the Wisconsin Central Ltd. Tracks with Webb Road in the Town of Parkland, Douglas County

9164-RX-576

FINAL DECISION

By letter dated September 8, 2004, the Wisconsin Central Ltd. (WCL) petitioned the Office of the Commissioner of Railroads (OCR) for the alteration of a public crossing of its tracks with Webb Road in the Town of Parkland, Douglas County. (crossing no. 186 123B). The WCL plans to extend a siding track through Webb Road.

Jurisdiction: Secs. 195.28 and 195.29, Stats.

Pursuant to due notice, public hearing was held in this matter on October 7, 2004 in Madison, Wisconsin with hearing examiner Douglas S. Wood presiding. This matter was uncontested. The Commissioner is issuing this final decision without an initial proposed decision. In uncontested cases the Commissioner may do so.

Appearances:

Parties

Wisconsin Central Ltd., Petitioner
by
Terry Lee, PE
Manager Engineering Services
1625 Depot Street
Stevens Point, Wisconsin 54481

Findings of Fact

THE COMMISSIONER FINDS:

The Wisconsin Central Ltd. proposes to alter the public crossing of Webb Road with its tracks located in the Town of Parkland. The WCL plans to extend the existing siding in the vicinity of the crossing. The siding does not currently cross the roadway, but would cross the roadway as part of the project.

The existing siding is about 7282' long, which is not long enough to be used as a passing siding. The WCL proposes to extend the siding to a length of 10,395'. The siding would then extend across Webb Road. The siding will end about 300' south of Webb Road. The siding will be 15' east of the main line track (measured between track centers).

Trains using the siding will not routinely block the Webb Road crossing because the track signal controlling train movements on the siding will be located a short distance north of the crossing. Southbound trains will be required to stop in advance of the track signal (before they reach the crossing) by railroad operating rule. In addition, as a practical matter the train must stop before reaching the track signal so that the engineer can see the signal.

The railroad builds passing sidings in order to improve the efficiency of its operations. A single main line track functions like a one-way street. Passing sidings are needed in order for trains moving in opposite directions to get past each other. The improved efficiency also benefits public safety because without adequate sidings, trains are more often held at places where they block public crossings.

Webb Road is 18' wide with a gravel surface and intersects the tracks at an angle of 90°. The crossing currently consists of one mainline track.

Webb Road is a dead-end road. There are two residences west of the tracks. Webb Road carries about 10 ADT (average daily traffic). The speed limit is 55 mph (unposted), however, actual speeds are much lower due to the nature of the roadway.

The railroad currently operates 15-16 through train movements per day over the Webb Road crossing location at a speed of 40 mph. The maximum speed on the siding will be 30 mph. The siding will be used only for meeting and passing trains. The presence of the siding will not cause an increase in the number of trains.

A driver traveling at 25 mph needs a distance of 187' to stop safely. The crossing is visible from more than 187' in each direction. Assuming a train speed of 40 mph, a driver traveling at 25 mph needs to see a train when it is 420' from the crossing from a point 187' down the highway. The sight distance available in each quadrant from the safe stopping distance is inadequate.

In addition, brush obscures the advance warning signs on each approach. The order requires the Town to remove sufficient trees and brush so that the advance warning signs can be seen.

At all crossings, except those with gates, a driver stopped 15' short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 15' past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the "design" vehicle. The necessary clearing sight distance at the Webb Road crossing is 795'. The available clearing sight distance will be less than 795' when a train is sitting on the siding. In that situation a westbound driver stopped at the crossing would not be able to see far enough down the

main line track to determine whether it is safe to cross or not.

The exposure factor at this crossing is about 30. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

One train-vehicle accident has occurred at this crossing since 1973. The accident occurred in 1973.

Accidents that do occur here will likely be quite serious if a through train is involved due to their 40 mph speed. Train speed is strongly correlated with fatalities in train/vehicle accidents. More specifically, crossings with train speeds of 40 mph and over have a disproportionate number of fatalities. According to Federal Railroad Administration (FRA) statistics, nationally, in 1994 71% of fatalities occurred at crossings with train speeds of 40 mph+, even though only 26% of all crossings had train speeds of 40 mph+.

The crossing presently has advance warning signs, crossbucks, and stop signs for warning devices. These warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety, 12" LED automatic flashing lights with gates and constant warning time circuitry are needed because of the inadequate clearing sight distance.

Constant warning time circuitry adjusts for train speed and causes the crossing signals to always operate for the same amount of time before the train reaches the crossing, regardless of train speed. A motion detector simply detects the train operation, but does not adjust for train speed so that the amount of warning time varies based on train speed.

Light emitting diodes (LED) lamps replace incandescent bulbs. LEDs have higher conspicuity, a wider cone of vision, and longer life than incandescent lights. LEDs are especially useful on east-west roadways where the rising and setting sun may make the signals difficult to see.

In summary, the alteration of the crossing at-grade of the WCL tracks with Webb Road will promote public safety and convenience by facilitating improved railroad operating efficiency, which will reduce the amount of time public crossings are blocked, provided that automatic flashing lights and gates are installed.

Timing: The railroad proposes to construct the siding in 2004. Since this is the railroad's project, the OCR is not establishing a deadline for the work. However, the order does require that the crossing signals and gates be installed and activated **before** trains use the extended siding. The railroad shall provide notice to the Town of Parkland and the residents living on Webb Road west of the crossing prior to commencement of work on the crossing.

Source of funding: The cost of the crossing construction and the signal materials and installation will be paid by the Wisconsin Central Ltd. as a condition of the approval of the alteration of the crossing.

Condition of existing crossing: The railroad has performed work in the area of the existing

crossing that has damaged the approaches to the crossing so that there are gaps between the approaches and the crossing surface on the edges of the crossing. The work has also left ruts in the roadway. The railroad stated at the hearing that these deficiencies would be corrected in the very near future.

Ultimate Conclusions on the Issues

THE COMMISSIONER CONCLUDES:

1. That the alteration of the crossing at-grade of Webb Road with the Wisconsin Central Ltd. tracks in accordance with the design plans of the Wisconsin Central Ltd. in the Town of Parkland, Douglas County will promote public safety and convenience.

2. That in order to adequately protect and promote public safety, it is necessary to install and maintain 12" LED automatic flashing lights with gates.

3. That it is reasonable that the Wisconsin Central Ltd. bear 100% of the cost for the crossing construction and signalization.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Wisconsin Central Ltd.** shall install and maintain a crossing at-grade of Webb Road with its tracks in accordance with the design plans of the Wisconsin Central Ltd. in the Town of Parkland, Douglas County (Crossing No. 186 123B). The **Wisconsin Central Ltd.** shall also repair the approaches to the existing crossing and the roadway surface that have been damaged during the project.

2. That the **Wisconsin Central Ltd.** shall install and maintain 12" LED automatic flashing lights with gates, constant warning time circuitry, and other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with Webb Road at-grade in the Town of Parkland, Douglas County.

3. That the **Wisconsin Central Ltd.** shall submit to the Office of the Commissioner of Railroads signal and circuit plans.

4. That the **Wisconsin Central Ltd.** shall notify the Town of Parkland and the residents living west of the Webb Road crossing at least 5 days prior to commencing work on the crossing.

5. That the **Wisconsin Central Ltd.** shall not operate on the extended siding at Webb Road until the installation and activation of the automatic warning devices ordered above.

6. That the **Town of Parkland** shall sufficiently clear trees and brush so the advance warning signs and the crossing signals can be seen by a motorist from at least 200' away.

7. That the **Wisconsin Central Ltd.** shall bear 100% of the cost of the crossing construction and signalization including any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

8. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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